

08/23/01



JC985 U.S. PTO

08-24-01

A/Plant

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NEW PLANT PATENT APPLICATION TRANSMITTAL

(to be used for new applications only)

Attorney Docket Number

W-3908

First Named Inventor

ANGEL A. GARGIULO

Total Pages in this Submission

66

APPLICATION ELEMENTS

Notice: Checklist items mentioned under Application Elements section construct a new plant patent application. Please refer to MPEP Sections 506, 601, 1600 (37 CFR 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original plant application.

ACCOMPANYING APPLICATION PARTS

1. ☒ Fee Transmittal Form (prescribed filing fee(s))

2. Specification

☒ Title of the Invention (with Plant's name)☒ Cross References to Related Applications (if applicable)☒ Statement Regarding Federally-sponsored Research/Development (if applicable)☒ Background of the Invention☒ Brief Summary of the Invention☒ Brief Description of the Drawings☒ Detailed Botanical Description☒ Claim☒ Abstract of the Disclosure3. ☒ Drawing(s) in duplicate (as prescribed by 35 USC 165)4. ☒ Executed Declaration5. ☒ Plant Color Coding Sheet6. ☒ Assignment Papers7. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)8. ☐ English Translation Document (if applicable)9. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations10. ☐ Petition Checklist and Accompanying Petition11. ☐ Preliminary Amendment12. ☐ Proprietary Information13. ☒ Return Receipt Postcard14. ☒ Small Entity Statement15. ☐ Additional Enclosures (please identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

RODNEY K. WORREL, WORREL & WORREL

Signature

Date

August 22, 2001

FOR OFFICIAL USE ONLY

Application Number		Class		Independent Claims	
Date of Receipt	Application Type		GAU	Total Claims	
	Filing Date		Foreign Filing License?	Drawing Sheets	
	Small Entity		Foreign Address?	Special Handling?	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

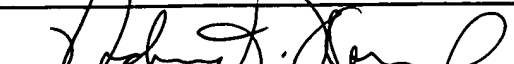
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FEE TRANSMITTAL		Complete if Known	
		Application Number	Filing Date
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	ANGEL A. GARGIULO
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	W-3908

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																												
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 23-3185</p> <p>Deposit Account Name: WORREL & WORREL</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b)</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Small Entity Fee Code</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,460</td><td>147</td><td>2,460</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>112</td><td>900</td><td>112</td><td>900</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,790</td><td>113</td><td>1,790</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for response within first month</td><td></td></tr><tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for response within second month</td><td></td></tr><tr><td>117</td><td>930</td><td>217</td><td>465</td><td>Extension for response within third month</td><td></td></tr><tr><td>118</td><td>1,470</td><td>218</td><td>735</td><td>Extension for response within fourth month</td><td></td></tr><tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>1,470</td><td>138</td><td>1,470</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr><tr><td>141</td><td>1,290</td><td>241</td><td>645</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr><tr><td>142</td><td>1,290</td><td>242</td><td>645</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>650</td><td>244</td><td>325</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>230</td><td>126</td><td>230</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>40.</td></tr><tr><td>146</td><td>770</td><td>246</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149</td><td>770</td><td>249</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td colspan="5">Other fee (specify) _____</td><td></td></tr><tr><td colspan="5">Other fee (specify) _____</td><td></td></tr><tr><td colspan="5">SUBTOTAL (3) (\$)</td><td>40.</td></tr></tbody></table>	Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,460	147	2,460	For filing a request for reexamination		112	900	112	900	Requesting publication of SIR prior to Examiner action		113	1,790	113	1,790	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for response within first month		116	390	216	195	Extension for response within second month		117	930	217	465	Extension for response within third month		118	1,470	218	735	Extension for response within fourth month		119	300	219	150	Notice of Appeal		120	300	220	150	Filing a brief in support of an appeal		121	260	221	130	Request for oral hearing		138	1,470	138	1,470	Petition to institute a public use proceeding		140	110	240	55	Petition to revive unavoidably abandoned application		141	1,290	241	645	Petition to revive unintentionally abandoned application		142	1,290	242	645	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	650	244	325	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	230	126	230	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)	40.	146	770	246	385	Filing a submission after final rejection (37 CFR 1.129(a))		149	770	249	385	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____						Other fee (specify) _____						SUBTOTAL (3) (\$)					40.
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SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	RODNEY K. WORREL	Reg. Number	27,475
Signature		Deposit Account User ID	23-3185
Date	8/22/01		

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Express Mail Label No. EM440646734US

Attorney's Docket No. W-3908**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **ANGEL A. GARGIULO**
 Serial No.: _____ Group No.: _____
 Filed: _____ Examiner: _____
 For: **GRAPEVINE "90-3437"**

Commissioner of Patents and Trademarks
 Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EM440646734US

Date of Deposit August 22, 2001

I hereby certify that the following *attached* paper or fee

Fee Transmittal Form; check for filing fee \$240.00; New Plant Patent Application Transmittal; Specification [Title of the Invention, Cross References to Related Applications, Statement regarding Federally-sponsored Research/Development, Background of the Invention, Brief Summary of the Invention, Brief Description of the Drawings, Detailed Botanical Description, Claim, Abstract of the Disclosure]; Photographs in duplicate; Plant Patent Application Declaration; Plant Color Coding Sheet; check for recording fee \$40.00; Recordation Form Cover Sheet; Assignment; Submission of Verified Statements; (2) Verified Statements; Information Disclosure Statement; return card; and copy is being deposited with the United States Postal Service "Express Mail Post Office to of Specif- Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to fication. the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Rodney K. Worrel

(typed or printed name of person mailing paper or fee)



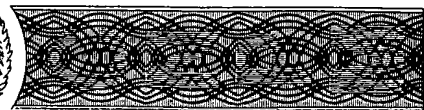
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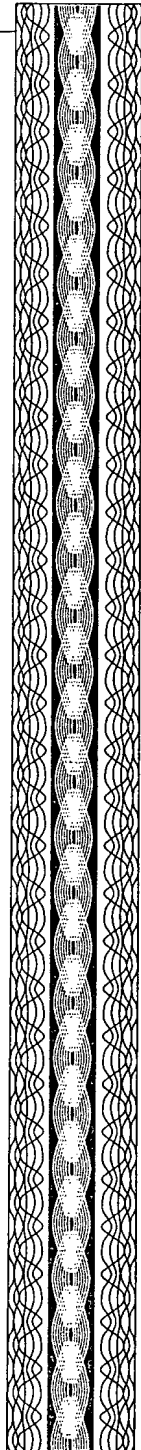
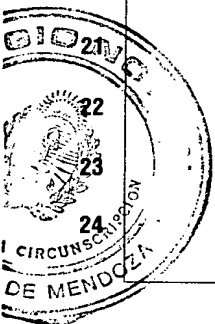
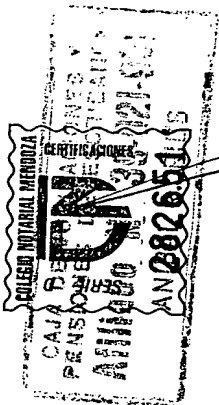
nde a la Legalización

4944

O NOTARIAL 2da. C

1 Asto.: CERTIFICACIÓN DE FIRMA2 Ref.: ANGEL ANTONIO GARGIULO3 Obj.: PRESENTAR ANTE QUIEN CORRESPONDA

4 *****CERTIFICO, en mi calidad de Doctor en Derecho y
 5 Notario Público Nacional, Titular del Registro Número cincuenta y uno, con domicilio en calle Almafuerte 60,
 6 primer piso de esta Ciudad, que la firma inserta en el legajo adjunto, constante de 15(quince) fojas útiles,
 7 pertenece al señor ÁNGEL ANTONIO GARGIULO, argentino, D.N.I.Nº 6.842.804, casado en segundas
 8 nupcias con la señora Patricia Margarita GRANT, domiciliado en Calle Servando Butti Nº77, de esta ciudad,
 9 de conformidad al requerimiento formulado por el nombrado, mediante acta número 333, fojas 333, del Libro
 10 5, de Requerimientos para Certificaciones de firmas, a mi cargo.- A solicitud de la parte interesada y para su
 11 presentación ante quien corresponda, expido la presente certificación, en la Ciudad de San Rafael, Provincia
 12 de Mendoza, República Argentina, a VEINTISEIS días del mes de JULIO del año dos mil uno.-





LEGALIZACION



SERIE C

(\$ 12.00)

LEGALIZADO

nde a la Legalización

4944

NOTARIAL 2da. CIRCUNSCRIPCION

EL COLEGIO NOTARIAL de Mendoza, República Argentina, en virtud de las facultades que le acuerdan las Leyes vigentes, LEGALIZA la firma y el sello del Notario . ANIBAL . R . . RIOS . CASTRILLON obrantes en el documento anexo, presentado en el día de la fecha bajo el N° .00784.157. Serie . . H

La presente legalización no juzga sobre el contenido y forma del documento.-

Mendoza, San Rafael, 27 de Julio de 2001

Not. STELLA MOYA de MORBIDELLI
SECRETARIA-2da. CIRCUNSCRIPCION

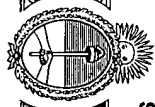


Nº 00784152

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ACTUACION NOTARIAL



G A L I Z A D O

onde a la legalización

14946

NOTARIAL 2da. CIRC.

1 Asto.- CERTIFICACIÓN DE FIRMA

2 Ref.- ANGEL ANTONIO GARGULO

3 Obj.- PRESENTAR ANTE QUIEN CORRESPONDA

4 *****CERTIFICO, en mi calidad de Doctor en Derecho y

5 Notario Publico Nacional, Titular del Registro Número cincuenta y uno, con domicilio en calle Almalafuerte 60,

6 primer piso de esta Ciudad, que la firma inserta en el legajo adjunto, constante de 2(dos) fojas útiles, pertenece

7 al señor ÁNGEL ANTONIO GARGULO, argentino, D.N.I.Nº 6.842.804, casado en segundas nupcias con la

8 señora Patricia Margarita GRANT, domiciliado en Calle Servando Butri Nº77, de esta ciudad, de conformidad

9 al requerimiento formulado por el nombrado, mediante acta número 333, fojas 333, del Libro 5, de

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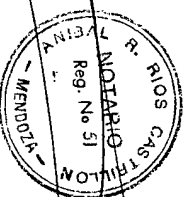
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PTO/SB/20 (8-96)
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PLANT COLOR CODING SHEET <i>(to be used for new applications only)</i>				Attorney Docket Number	W-3908
				First Named Inventor	ANGEL A. GARGIULO
				FOR OFFICIAL USE ONLY	
				Date of Receipt	
Sheet	1	of	2	Application Number	

PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

ITEM	COLOR
TRUNK	Dark grey (15-A-6 Beaver Grey) to a lighter grey-brown (14-B-6 Camel's Hair)
CANES- One year or older wood	Chamois tan (11-E-5 Raffia) to a darker tan-brown (13-D-7 Oakbuff)
TENDRILS- Immature	Bronze-green (12-L-3 Pyrite Yellow)
GROWING TIPS-expanding shoot tip	bright green-yellow (18-L-2 Citronelle)
LEAVES-Upwardly disposed surface	Dark green (22-K-4) to a slightly darker green (23-C-6)
Downwardly disposed surface	Lighter grey-green (21-I-5) to a darker grey-green (21-H-6)
Leaf Vein	Pale green (17-G-4)
Petiole	Pale green (17-G-5) to a pale green-yellow (17-D-3)
FLORAL- Petiole	Medium green (19-K-6 Sea Foam)
Calyptra	Lighter green (19-K-4)
COLOR CODE SYSTEM:	<u>Dictionary of Color, Maerz & Paul, 1st Ed., 1930</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

ITEM	COLOR
FRUIT- Peduncle	Medium green-brown (14-K-1)
BERRY- Skin	Bright purple-red (6-G-4) to a slightly darker (6-J-4)
Ground	Very pale yellow with a slight greenish tint (11-K-1)
Pedice1	Greenish-brown (14-K-3 Serpentine Green)
FLESH	Light rose (3-E-2) to a darker rose (3-H-2)
Juice	clear

COLOR CODE SYSTEM:	Dictionary of Color, Maerz & Paul, 1st Ed., 1930
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